

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ADOLPH HILL,

Plaintiff,

v.

Case No. 04C0831

**CITY OF RACINE, DANIEL M. TREDO,
SGT. SCHULTZ, STATE FARM
INSURANCE CO., AND AMERICAN
FAMILY INSURANCE CO.,
Defendants.**

ORDER

On August 10, 2005, the individually-named defendants in this case filed a motion for summary judgment as to the remaining claims against them. On September 6, 2005, plaintiff filed a motion for sanctions against the individually-named defendants, because their proposed findings of fact was missing pages. On March 27, 2006, I denied without prejudice defendants' motion for summary judgment based on their failure to comply with the Civil Local Rules. On March 30, 2006, defendants refiled their motion for summary judgment. Plaintiff should have filed a response to this motion by April 29, 2006, though I granted one extension of time, until July 4, 2006. When plaintiff did not respond, on July 18, 2006, I issued notice to plaintiff that this case would be dismissed with prejudice unless plaintiff indicated a desire to further prosecute the action by responding to defendants' motion for summary judgment by August 11, 2006.

Civil L.R. 41.3 states that "[w]henver it appears to the Court that the plaintiff is not diligently prosecuting the action, the Court may enter an order of dismissal with or without prejudice. Any affected party can petition for reinstatement of the action within 20 days." To date, plaintiff has not filed a response brief or otherwise indicated that he wishes to continue prosecuting this action. Thus, I will dismiss this case with prejudice. Plaintiff may file a petition for reinstatement of the action within 20 days.

THEREFORE, IT IS ORDERED that pursuant to Civil L.R. 41.3 this case is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that plaintiff's motion for sanctions is **DENIED AS MOOT**.

Dated at Milwaukee, Wisconsin, this 21 day of August, 2006.

/s _____
LYNN ADELMAN
District Judge